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OFFICIAL

Philip Gambel
5/17/01

**PLEASE FORWARD TO
EXAMINER GAMBEL
IMMEDIATELY!!**

FAX MESSAGE

Send to:

(1) Name: Examiner Philip Gambel (GAU 1644)

FAX Number: (703) 305-7401

Firm: U.S. Patent & Trademark Office

Telephone Number: (703) 308-3997

From:

Name: Lora M. Green, Ph.D.

Floor: 6S

Telephone Number: 202-467-7807

Time Sent:

Date Sent: May 17, 2001

Number of Pages (INCLUDING COVER PAGE): 21

Note:

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Comments:

In re Application of:

David PASCUAL *et al.*

Application No.: 09/068,935

Filed: November 23, 1998

For: THERAPEUTIC AND DIAGNOSTIC
AGENTS FOR THE TREATMENT OF
MICROBIAL INFECTIONS

Group Art Unit: 1644

Examiner: Philip Gambel, Ph.D.

Our Ref: 47714-5004-US

Please see documents attached.

PATENT
ATTORNEY DOCKET NO. 047714-5004-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

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Commissioner for Patents
Washington, D.C. 20231

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Sir:

AMENDMENT TRANSMITTAL FORM

1. Transmitted herewith is a Supplemental Amendment in response to the Restriction Requirement mailed August 29, 2000.

2. Additional papers enclosed:

- ☐ Drawings: ☐ Formal ☐ Informal (Correction)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, ___ references included
- ☐ Citations
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

May 17, 2001—HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO EXAMINER PHIL GAMBEL, PH.D., TECHNOLOGY CENTER 1600.

SIGNATURE

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Application No.: 09/068,935

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<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
[] one month	\$ 110.00	\$ 55.00
[] two months	\$ 380.00	\$195.00
[] three months	\$ 890.00	\$445.00
[] four months	\$1,390.00	\$695.00

Extension of time fee due with this request: \$_____

If an additional extension of time is required, please consider this a Petition therefor.

- [] An extension for ___ months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

5. Fee Calculation (37 C.F.R. §1.16 as Small Entity)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims	57	minus	54	3	3 x \$18.00 each =	+\$ 54.00
Independent Claims	8	minus	14	0	0 x \$80.00 each =	+\$ 0.00
<input type="checkbox"/> First presentation of Multiple dependent claim(s)					\$270.00	+ \$ 0.00
SUBTOTAL						= \$ 54.00
Reduction by ½ for filing by a small entity						- \$ 27.00
TOTAL FEE						= \$ 27.00

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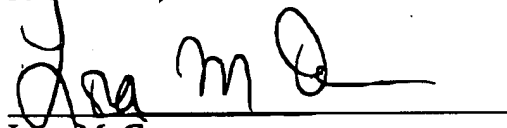
6. Fee Payment☐ No fee is to be paid at this time.☐ Check No. _____ in the amount of \$435.00 for a three month extension of time☒ The Commissioner is hereby authorized to charge **\$27.00** for the three additional dependent claims (*small entity*) to **Deposit Account No. 50-0310**.☒ **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to **Deposit Account 50-0310**. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

Dated: May 17, 2001

By:



Lora M. Green

Reg. No. 43,541

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